REMARKS

This responds to the Final Office Action dated October 16, 2006. Claims 25-31 are pending. No amendments have been made. Individual issues raised by the Examiner are addressed next.

Information Disclosure Statement

On July 28, 2003 and August 2, 2006, respectively, applicant submitted Information Disclosure Statements (IDS's) to the U.S. Patent and Trademark Office, each IDS accompanied by a List of References. Since some of the listed references were originally submitted in previous patent applications to which the present application claims priority, applicant did not submit physical copies of such references pursuant to 37 C.F.R. §1.98(d). The Final Office Action indicated that the August 2006 IDS has been received, entered into the record, and considered. However, it also stated, for the first time, that the references for the July 2003 IDS cannot be located in the files of the parent application(s), and requested that applicant submit a copy of each non-patent literature citing (C1-C29) (Office Action, paragraph 3).

In response to the Examiner's request, and to complete the record of the instant patent application and advance its prosecution, applicant re-submits herewith two IDSs with physical copies of the apparently missing non-patent references. For ease of reference, each of the provided IDSs refers back to the respective date of the original IDS mentioned above. Since applicant has made a bona fide attempt to comply with 37 C.F.R. 1.98, and the Patent Office seems to have misplaced the references through no fault of the applicant's, the Examiner is respectfully requested to enter all submitted references corresponding to the originally filed IDSs into the record, and consider them at this time, indicating this on the provided listing of references (substitute for form 1449/PTO.

Rejection Under 35 U.S.C. 102

In Paragraphs 4-6 of the Office Action the rejection of claim 25 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent 5,999,933 to Mehta ("Mehta") was maintained substantially as set forth in the previous Office Action dated February 2, 2006. Applicant respectfully disagrees.

- 3 -

In response to the February 2006 Office Action, applicant argued that Mehta does not anticipate claim 25 because Mehta does not disclose "the database having been compressed by storing information regarding distinct values of an attribute and information regarding the number of occurrences of distinct values," as recited in the claim. The final Office Action, in the section entitled Response to Arguments, stated that Mehta discloses that "copies of the template library 152' and the database 150' (containing the extraction table 151') are shipped to the client 118 using the compression/decompression utility." The Office Action further stated that the "database in Mehta is clearly compressed when sent to the client." Applicant respectfully traverses.

Preliminarily, applicant wishes to point out that Mehta's teaching of mere compression is insufficient to disclose the remaining limitations of claim 25, namely (1) a specific way in which the compression of the database is accomplished, and (2) the requirement that the steps of retrieving a record are performed on the compressed database.

Next, Mehta discloses the use of an exemplary compression/decompression utility called PKzip and PKunizp made by PKWARE, Inc. (Mehta, col. 4, ll. 50-52) and states that "the compression/decompression utility is used to send files between the client 118 and a computer 156 . . ." (Mehta, col. 4, ll. 52-54). Mehta has no further disclosure in connection with the compression/decompression utility.

Turning to the specific rejections, first, applicant maintains that Mehta fails to disclose "the database having been compressed by storing information regarding distinct values of an attribute and information regarding the number of occurrences of distinct values." There is no disclosure in Mehta that compression, effectuated by PKzip, is accomplished by "storing information regarding distinct values of an attribute and information regarding the number of occurrences of distinct values," as required by claim 25.

Second, Mehta fails to disclose any data being retrieved from a compressed database. While the Office Action states that "the database in Mehta is clearly compressed when sent to the client," it should be apparent that the mere fact that compression is used when sending data to a client does not in any way suggest that records can be retrieved from a compressed data base. There is simply no disclosure in

- 4 -

Mehta that *any* operation being performed on the database while it is being sent to the client. In sharp contrast, claim 25 recites "a method of retrieving a record from a compressed database."

Should the rejection of claim 25 over Mehta be maintained, applicant respectfully requests a specific showing of Mehta's disclosure of (1) "a compressed database, the database having been <u>compressed by storing information regarding distinct values of an attribute and information regarding the number of occurrences of distinct values</u>," and (2) "retrieving a record from a compressed database," as recited in the claim.

In the August 2, 2006 Response, applicant further argued that steps (a)-(d) of claim 25 are all related to the structure of the compressed database. The Office Action alleged that Mehta discloses all those steps by showing (1) compression of Mehta's database when sent to the client, and, separately and without any connection to this compression, (2) acts performed by the Mehta's system that allegedly correspond to steps (a)-(d) taken in isolation from the preamble that sets forth the structure of the database. For example, in connection with the "receiving" step (a), the Office Action states that (1) Mehta discloses the database in Mehta being clearly compressed when sent to the client, and (2) Mehta clearly acquires the information as to the number of instances of an element.

Again, Mehta fails to disclose "retrieving information regarding the number of occurrences of a given value," wherein the "database having been compressed by storing . . . information regarding the number of occurrences of distinct values", and the Office Action points to no evidence to the contrary in the Mehta reference. Should the rejection of claim 25 over Mehta be maintained, applicant respectfully requests a specific showing of the portions of the reference, in which Mehta discloses any action alleged to correspond to steps (a)-(d) of claim 25, and in particular how such actions are (1) performed as a part of "retrieving a record," and (2) performed on "a compressed database."

In the August 2, 2006 Response, applicant further argued that reliance on Mehta for disclosing "determining an instance element" is incorrect at least because the cited portion of Mehta's specification at col. 14, lines 4-17 discloses "determining the number of instances," but not "an instance element," as recited in the claim. In

- 5 -

response, the Office Action admitted that according to the applicant's specification, "instant information identifies the instances of each value in the field that is in a record," but then concluded that "Mehta's method clearly teaches identifying <u>the number of instances</u> of data structures (Column 14, lines 4-17)."

Applicant respectfully submits that identifying the number of instances of data structures has no bearing on patentability of claim 25 because "identifying <u>the number of instances</u>," as disclosed in Mehta, is plainly different from "determining <u>an instance element</u>." An "instance element", in applicant's claim 25, is obtained as part of a distinct process, which involves compressing a database by storing specific information therein, and then performing, for example, steps (a) and (b) recited in the claim. Mehta discloses nothing remotely related to the use of a compressed database in the manner defined in claim 25. In this regard, applicant wishes to point out that despite certain phonetic similarity, the terms used in Mehta and in applicant's disclosure have completely different meaning.

Should this rejection be maintained, applicant respectfully requests that any portion of Mehta's disclosure showing that "an instance element" is the same as "a number of instances" be specifically identified.

Accordingly, for the forgoing reasons Mehta cannot anticipate independent claim 25. Applicant respectfully requests that the corresponding rejection be withdrawn.

In Paragraph 6 of the Final Office Action, claims 26-29 were rejected as being anticipated by Mehta, and in Paragraphs 7-9, claims 30-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mehta in view of U.S. Patent No. 5,918,225 to White et al. ("White") The corresponding rejections of claims 26-31 should be withdrawn because all those claims dependent on claim 25, which is believed allowable for the reasons set forth above and also in applicant's response to the February 2006 Office Action.

- 6 -

Conclusion

In light of the above, applicant respectfully requests that the Examiner consider the concurrently re-submitted references apparently missing in the records of the Patent Office, and reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney, if a telephone call could help resolve any remaining items.

Respectfully submitted,

Date: February 16, 2007

Ognjan V. Shentov

JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

38,051
(Reg. No.)

- 7 -